

Translation

## PATENT COOPERATION TREATY



## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference  663848	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No.  PCT/JP2003/007838	International filing date (day/month/year)  20 June 2003 (20.06.2003)	Priority date (day/month/year)  20 June 2002 (20.06.2002)
International Patent Classification (IPC) or national classification and IPC  C12N 9/44, 9/16, C12P 19/04, C08B 37/00, C12N 15/12		
Applicant  TAKARA BIO INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand  25 November 2003 (25.11.2003)	Date of completion of this report  11 March 2004 (11.03.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/007838

**I. Basis of the report****1. With regard to the elements of the international application:\*** the international application as originally filed the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the claims:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement under Article 19)

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the drawings:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is: the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:** contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4.  The amendments have resulted in the cancellation of:** the description, pages \_\_\_\_\_ the claims, Nos. \_\_\_\_\_ the drawings, sheets/fig \_\_\_\_\_**5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP03/07838

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-6, 8-9	YES
	Claims	7, 10	NO
Inventive step (IS)	Claims	1-6, 8-9	YES
	Claims	7, 10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

**2. Citations and explanations**

Document 1: J. Biol. Chem., 1999, Vol. 274, No. 12, pages 7656-67

Document 2: WO 01/081560 A1 (Takara Bio Inc.) November 1, 2001

Document 3: WO 96/34004 A1 (Takara Bio Inc.) October 31, 1996

## •Claims 7 and 10

Based on the descriptions in documents 1-3 cited in the international search report, the inventions of claims 7 and 10 lack novelty and an inventive step.

Document 1 describes low-molecular weight sulfated fucans derived from the sea cucumber *Ludwigothurea grisea*.

Document 2 describes oligosaccharides obtained by lysis with endo- $\alpha$ -L-fucosidase.

Document 3 describes oligosaccharides obtained by lysis with a hydrolase derived from *Fucoidanobacter marinus*.

This examination finds that the oligosaccharides described in documents 1-3 are one and the same as the sulfated fucan oligosaccharides of claims 7 and 10.

## •Claims 1-6 and 8-9

Documents 1-3 cited in the international search report do not describe the inventions of claims 1-6, 8 and 9, and therefore these inventions are novel and involve an inventive step.

Documents 1-3 do not describe endo- $\alpha$ -L-fucosidase and sulfated fucan sulfatase derived from *Fucoidanobacter marinus* that act to decompose sulfated fucans derived from sea cucumber.